

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6983 OF 2005

Sunil Dadaso Gujale. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Umesh Mankapure for the Applicant.

Ms.S.D.Shinde, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 24th October, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant. He submitted that there is only one single injury caused by the Applicant to the deceased. Even going by the case of the prosecution, in any case section 302 of the IPC can never have application to the case. He submitted that even on plain reading of the F.I.R. it is apparent that there was no intention on the part of the Applicant to kill the deceased. He submitted that the Applicant is only 21 years old and hence he is entitled to be enlarged on bail after completion of the investigation. The learned A.P.P. opposed the application by pointing out the material on record.

2. I have considered the submissions. A perusal of the statement of the deceased indicates that the Applicant assaulted him on left side of his abdomen by

knife. The post-mortem notes show the cause of death as septicaemia due to peritonitis due to gastric perforation due to stab wound. The post-mortem notes also shows that there were incised wounds in abdominal region. Thus, there may be one blow given by the Applicant, the same appears to be on vital part of the body and fatal in nature. There is sufficient evidence to show the complicity of the Applicant.

3. The application is rejected. However, considering the fact that the Applicant is only 21 years of age, the trial will be concluded within a period of six months from today.

Judge.